

(11575)

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
THE MAMMA MIA! USA TOUR 2  
LIMITED PARTNERSHIP, a New York  
Limited Partnership,

Petitioner,

-against-

THEATRICAL ARTS INTERNATIONAL, INC. and  
THEATRICAL ARTS INTERNATIONAL  
FOUNDATION, California corporations.Respondents.  
-----X

ECF CASE

06 Civ. 6079 (RCC)

ORDER TO SHOW CAUSE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8-11-06

Upon consideration of the Verified Petition to Compel Arbitration and Enjoin Litigation dated August 2, 2006, with exhibits 1-7, removed to this Court by Respondents pursuant to 28 U.S.C. § 1441 et seq., on August 9, 2006; the Order to Show Cause issued by Justice Charles E. Ramos, Justice, Supreme Court of New York on August 4, 2006, the Emergency Affirmation of Al J. Daniel, Jr., Esq. dated August 10, 2006, and the accompanying Memorandum of Law, seeking to compel Respondents to arbitrate Petitioner's Demand for Arbitration served upon them and filed with the American Arbitration Association on June 27, 2006, pursuant to ¶ 17 of the Booking Agreement signed by the parties, and to enjoin Respondents from maintaining or continuing a civil action commenced by Respondent Theatrical Arts International, Inc. against Petitioner regarding the same subject matter, which action was purportedly served upon Petitioner on August 2, 2006,

✓  
✓  
**LET** Respondents, or their attorneys, show cause before this Court in Courtroom 14C of the United States District Courthouse, 500 Pearl Street, New York, New York, on the 17<sup>th</sup> day of August 2006, at 11:00 AM ~~9:30 o'clock in the forenoon of that day~~, or as soon thereafter as counsel may

be heard, why an order and judgment should not be made and entered, pursuant to the United States Arbitration Act, 9 U.S.C. § 1 et seq., and Section 4 thereof, for the relief sought in the Petition, including compelling Respondents to arbitrate Petitioner's Demand for Arbitration now pending before the American Arbitration Association pursuant to § 17 of the parties' Booking Agreement and enjoining Respondents from maintaining or continuing any civil action against Petitioner regarding the same subject matter; and it is further

~~ORDERED~~ that, ~~pending the hearing and determination of this petition, Respondents shall continue to participate in proceedings before the American Arbitration Association on Petitioner's Demand for Arbitration, subject to their contention that they are not obligated to do so; and it is further~~ *e* (RCC)

~~ORDERED~~ that ~~pending the hearing and determination of this petition, Respondents are preliminarily restrained from maintaining or continuing any civil action against Petitioner regarding the subject matter and disputes asserted in Petitioner's Demand for Arbitration; and it is further~~ *e* (RCC)

ORDERED that personal service of a copy of this Order to Show Cause upon Respondents Theatrical Arts International, Inc. and Theatrical Arts International Foundation, c/o their legal counsel, Ceslo M. Gonzalez-Falla, Esq., Beigelman & Associates, PC, 805 Third Avenue, 20th Floor, New York, NY 10022, in hand, by facsimile, or by electronic transmission

shall be deemed good and sufficient service; and it is further ORDERED that Respondents' answering papers, if any, are to be served upon Petitioner's Counsel and provided to the Court by no later than 2:00 PM on Tuesday, August 15, 2006

on or before 5:00 PM on Friday, August 11, 2006

Dated: August 11, 2006  
New York, New York

*Richard James Conway Casey*  
Richard James Conway Casey  
United States District Judge